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Letter dated 26 June 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to attach the aide-memoire containing the observations of the Republic of Uzbekistan with regard to the issues raised in General Assembly resolution 60/174 on the human rights situation in Uzbekistan (see annex).

I would appreciate it if you would circulate the present letter and its annex as a document of the General Assembly.

(*Signed*) Alisher **Vohidov**
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Annex to the letter dated 26 June 2006 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Aide-memoire concerning United Nations General Assembly resolution 60/174 of 16 December 2005, entitled "Situation of human rights in Uzbekistan"

The Republic of Uzbekistan,

As a State Member of the United Nations, makes every effort to promote and protect human rights and fundamental freedoms and conscientiously fulfils the obligations it has undertaken under the various international instruments in this field,

Is a party to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other international instruments relating to human rights,

Has submitted to the United Nations treaty bodies 16 national reports on compliance with its international obligations, particularly under the following instruments:

- International Covenant on Civil and Political Rights;
- International Covenant on Economic, Social and Cultural Rights;
- Convention on the Elimination of All Forms of Discrimination against Women;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Rights of the Child;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

In order to fulfil its international obligations under the above instruments has adopted more than 300 laws governing human rights and fundamental freedoms,

Considers unfounded the deep concern expressed by the United Nations General Assembly at its sixtieth session with regard to actions taken by the State authorities to free hostages and neutralize armed persons responsible for the premeditated murder of law enforcement officers and soldiers on 12 and 13 May 2005 in Andijan during an attack on Government facilities, the release of prisoners from a jail and the use of violence against civilian residents of Andijan.

1. *The Republic of Uzbekistan:*

(a) In 2005 and 2006 conducted high-level negotiations with the Secretary General of the Organization for Security and Cooperation in Europe (OSCE), the Special Representative of the European Union for Central Asia and the Chairman-in-Office of OSCE, during which there was real and constructive dialogue on issues such as the fight against terrorism, religious extremism and fundamentalism, promotion of economic cooperation and strengthening of civil society, including in the area of human rights;

(b) Is decisively engaged in combating all human rights violations, including torture.

The Supreme Court of the Republic of Uzbekistan has adopted a definition of torture in accordance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Parliament of the Republic of Uzbekistan has amended the Criminal Code to include torture as a punishable crime.

The prohibition of the use of torture, enshrined in national legislation, is absolute and admits no exceptions. Persons charged with the use of torture are prosecuted in accordance with the law. To date, 15 law enforcement officers have been sentenced under article 235 (on the use of torture and other cruel, inhuman or degrading treatment) of the Criminal Code of the Republic of Uzbekistan.

Uzbekistan's transparency in relation to cases of torture is illustrated by the open investigation of the death of an Uzbek national, Mr. A. Shelkovenko, a well-known case which involved representatives of the United States and Russian Embassies in Tashkent, the international organizations Freedom House and Human Rights Watch, foreign experts in criminal law and forensic experts from the United States of America and Canada.

(c) In recent years has been gradually implementing targeted judicial and legal reforms.

The guarantees and principles that ensure the independence of the judiciary, enshrined in Uzbek legislation, reflect the universally recognized norms of international law. The functioning of the independent judiciary is ensured by procedures established by law for the election, appointment and dismissal of judges and the institution of criminal, administrative, civil and financial proceedings, and by liability for any interference in the activities of the courts.

In Uzbekistan, courts now specialize in criminal, civil or financial cases; courts of appeal and courts of conciliation have been established; penalties have been made more lenient; preliminary investigations and periods of detention in custody have been shortened; and legislative norms are in place to prevent interference by prosecution authorities in court proceedings.

The courts of appeal have been reformed, enabling citizens to defend their rights in person and directly before the court when appealing against a court decision that has entered into legal force. Legal mechanisms are in place to ensure equal rights to defend and prosecute in court and observance of the adversarial principle.

A system has been set up to process complaints of unlawful activities by officials, based on the rule of law and incorporating an institutional and legal mechanism.

A department for the enforcement of court decisions is in operation under the Ministry of Justice, relieving courts of functions that do not fall within their competence.

In accordance with a decree of the President of Uzbekistan, as of 1 January 2008, the courts will have the power to issue detention orders, which will be a key phase in the introduction of habeas corpus in Uzbekistan.

(d) As of 1 January 2008, the death penalty will be fully abolished as a form of punishment and replaced by life or long-term imprisonment.

The Government recognizes that abolition of the death penalty necessitates broad information dissemination among the general public and greater public understanding of the need to ease criminal penalties further, which has serious financial and organizational implications.

At present, a set of measures is under implementation in Uzbekistan to amend and supplement national legislation in the light of international experience and to create the necessary conditions for abolition of the death penalty.

2. *The Republic of Uzbekistan:*

Regards as unfounded the grave concern of the General Assembly at the alleged "continuing and serious human rights violations occurring in Uzbekistan", and considers it necessary to draw attention to the following:

(a) The results of the investigation into the terrorist acts that took place in Andijan have revealed that preparations by the terrorists, whose objective was to overthrow the constitutional order in Uzbekistan and seize power, began long before the events took place.

The criminals had drawn up a painstaking and detailed plan that envisaged the following three phases:

Phase 1: Organization of combat groups; creation of a training camp for fighters; training and arming of fighters to prepare them for combat operations;

Phase 2: Reconnaissance activities to identify locations of targets; creation of maps showing the location of facilities belonging to those targets; collection of information on the operation of those facilities and on numbers of security guards and staff; selection of routes to be used by the combat groups;

Phase 3: Armed attacks on pre-selected military and police facilities with the aim of seizing weapons and ammunition; illegal release of prisoners from a jail and subsequent seizure of local government and administrative buildings with the involvement of those freed.

The plan envisaged the storming not only of the jail in Andijan but also of one in Tashkent, where the leader of a religious extremist movement and a terrorist belonging to the Islamic Movement of Turkistan are imprisoned. The criminals also planned to blow up a tunnel through the Kamchik pass, which links the Fergana Valley with Tashkent.

Large sums of money were provided to finance the terrorist acts, and were used to purchase 13 motor vehicles, 24 Kalashnikov automatic rifles, three handguns and ammunition, which had been smuggled into Uzbekistan by terrorists.

In order to ensure uninterrupted communications between the fighters, proper timing and coordination of their activities and effective communication of orders to individuals to carry out the established objectives, 57 mobile telephones and other necessary equipment were purchased.

During the night of 12 May 2005, several groups of armed fighters, of whom there were more than 100, carried out a series of terrorist acts, including the following:

- Armed attack on a military unit and a police checkpoint and seizure of weapons and ammunition (334 firearms, including 206 automatic rifles, 109 handguns, 14 rifles, four machine guns, one grenade launcher, 221 grenades, 56 bayonets and more than 26,000 cartridges);
- Release and arming of more than 500 prisoners from the city jail;
- Attack on Government buildings and civilian facilities;
- Seizure of some 70 hostages, including Government officials, law enforcement officers and civilians;
- Organization of attempted armed seizure of power in the Andijan region and destabilization of the situation in Uzbekistan.

The armed fighters were the first to open deadly fire when law enforcement officers launched an operation to neutralize them and free the hostages. The use of civilians as a human shield and indiscriminate firing of weapons by the criminals resulted in a number of deaths as they made their escape from Uzbek territory under cover of fire.

The actions of the Uzbek law enforcement agencies were not directed against the civilians who had been assembled by the gunmen near a local administration building for use as a human shield, but rather were carried out responsibly and within the bounds of extreme necessity and necessary defence as universally accepted and understood under criminal law. They were in compliance with the provisions of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials adopted at the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 and the Code of Conduct for Law Enforcement Officials adopted under General Assembly resolution 34/169 of 17 December 1979.

The main actors behind the events in Andijan were the gunmen, whose actions were clearly of terrorist nature. They were dispersed among a crowd — a tactic used by several known terrorist organizations.

In order to bring the situation in Andijan under control, the Government set up a unit to free the hostages and neutralize the fighters while doing everything within their power to minimize the danger to the public.

To that end, government representatives negotiated with the gunmen for nearly 11 hours. The Uzbek authorities were ready to accept serious compromises, agreeing

to release six extremists from police custody and offering to transport the terrorists and their weapons to a district of their choice.

However, the criminals made further demands that they knew could not be met, in particular the release from prison and transportation to Andijan of a number of leaders of religious extremist organizations.

By politicizing their demands, the criminals deliberately deadlocked the negotiations. All attempts by the Uzbek authorities to resolve the confrontation peacefully failed. Given those circumstances, they decided on the only possible action: to bring in more forces to encircle the regional administration building. In response to that action, the terrorists opened fire.

Having realized that the government troops were preparing to storm the building, and in an attempt to forestall the attack, the criminals, moving in several columns and taking cover behind hostages, left the regional administration building under cover of fire. Failing to respond to the call to cease firing, and shooting indiscriminately, the criminals shot 12 hostages and 38 civilians that they were using as a human shield.

In response, and in order to prevent further civilian casualties, the government troops allowed the armed groups to flee via three routes out of the city towards the Uzbek-Kyrgyz border.

The events resulted in the deaths of 187 persons, of whom 60 were civilians and 31 law enforcement officers and soldiers. Fifteen of the 70 hostages were brutally murdered by the terrorists. Two hundred and eighty-seven persons were injured, including 91 civilians, 49 law enforcement officers and 59 soldiers.

As a result of the actions by the criminals, 73 vehicles and more than 20 buildings were set on fire or otherwise damaged, causing more than three billion sum of damage.

(b) The Government of Uzbekistan has not applied pressure to prevent citizens of Uzbekistan with mandated refugee status granted by the Office of the United Nations High Commissioner for Refugees (UNHCR) from travelling to a third country.

Uzbekistan has called for the return of only 25 persons who escaped from prison or carried out criminal acts such as premeditated murder, terrorism, illegal possession of arms and ammunition, attack on the constitutional order and taking of hostages, which are punishable offences under the laws of any State.

Uzbekistan has made no attempt to prevent Uzbek citizens who are not linked to criminal acts carried out on the territory of the Republic from travelling to third countries.

(c) Allegations of arbitrary arrests and detention, including of eyewitnesses to the tragic events in Andijan in May 2005, are unfounded.

Following the tragic events in Andijan, investigative actions were carried out to identify those involved in the criminal acts and to shed light on the circumstances surrounding the events.

All the actions were carried out in accordance with the law and in the interests of national security, and were no different to those taken, for example, by the United States authorities following the events of 11 September 2001, or by the British authorities following the explosions in London in July 2005.

The right of every Uzbek citizen to freedom and security of person is guaranteed under national legislation.

(d) Allegations of prevention of the functioning of independent media and the intolerance of any form of dissent expressed therein, and increasing restrictions on freedom of expression, and of harassment, beatings, arrests and threats made against journalists and civil society activists attempting to document and publicize information on the events in Andijan, are unfounded. During the entire period, cases of such treatment have never come before the courts.

The Government's information policy aims to ensure proper and full observance of the principles of freedom of speech and the right of citizens to information, which are enshrined in the Uzbek Constitution.

Under article 67 of the Constitution, the mass media are free and conduct their activities in accordance with national legislation.

Under article 29 of the Constitution, every citizen has the right to seek, receive and disseminate information, provided that such information is not directed against the constitutional order.

The Act "On protection of the professional activities of journalists" establishes that journalists enjoy guarantees of security of person in performing their professional duties.

In order to develop and extend reform in the Republic of Uzbekistan, the Government is planning to continue liberalizing the activities of the press, television and radio.

(e) In the Republic of Uzbekistan, there are no artificial obstacles to the registration of political parties.

In Uzbekistan, political parties conduct their activities in accordance with the Constitution, the Act "On political parties" (as amended and supplemented), other legislative acts and on the basis of their respective charters.

A political party enjoys the rights of a legal entity and may conduct its activities from the date of its registration. Registration depends on the party's founders, how well the constituent instruments have been prepared and whether the relevant legal requirements have been met.

Registration of political parties is carried out pursuant to the Act "On political parties" by the Ministry of Justice of Uzbekistan within one month of receipt of an application. Under article 5 of this Act, the State guarantees the protection of the rights and legal interests of political parties and establishes equal legal opportunities for them to pursue their goals and objectives as laid out in their constituent instruments.

Article 8 of the Act of "On political parties" establishes that 20,000 signatures must be gathered in order to found a political party. This norm was adopted based on international practice in the establishment and registration of parties.

Article 9 of the Act includes an exhaustive list of reasons why requests to register political parties may be declined. When an application is turned down, the Ministry of Justice of Uzbekistan so informs an authorized member of the governing body of the party, making reference to the legal provisions violated by the filed instruments. Refusal of an application to register a political party may be appealed in the Supreme Court of Uzbekistan.

At the present time, the following parties are actively involved in political life in Uzbekistan: the People's Democratic Party of Uzbekistan, the National Democratic Party Fidokorlar, the Democratic Party of Uzbekistan Millii Tiklanish, the Social Democratic Party Adolat, the Entrepreneurs' and Businessmen's Movement and the Liberal Democratic Party of Uzbekistan.

(f) Assertions to the effect that there is a continuing pattern of discrimination, harassment and prosecution in Uzbekistan with regard to the exercise of freedom of thought and religion are unfounded.

Under national law, every citizen of the Republic has the right to profess any religion or to profess no religion.

In the territory of the country, prosecution of religious believers solely for affiliation with their particular religious faith is prohibited. Under the Act "On freedom of conscience and religious organizations", religious and other fanaticism and extremism are banned, as are actions aimed at pitting one group against another and increasing tension and inciting hostility between various faiths and sects. The imposition of religious views by force is also inadmissible.

In Uzbekistan, which is home to members of 15 religious faiths, the national policy of encouraging religious rights and freedoms provides broad opportunities for religious organizations to develop their activities. Article 18 of the Constitution of Uzbekistan guarantees equal rights to all citizens, without regard to sex, race, nationality, language, religion, convictions, social origin or status.

The Act "On freedom of conscience and religious organizations" clearly defines the role and status of religious organizations and their interaction with State authorities and also guarantees citizens full rights to practise their religion and carry out rites, rituals and pilgrimages to holy sites, both individually and in groups.

Every year, religious believers make pilgrimages to holy sites with extensive assistance from the Government. Since the country gained its independence, over 50,000 citizens have made pilgrimages to holy sites.

Religious believers have the right to celebrate all religious holidays freely.

The State fosters the establishment of relations of mutual tolerance and respect among citizens of different religions. Every citizen has the right to practise any religion or to practise no religion.

State policy provides broad opportunities for religious organizations in Uzbekistan to expand their activity. While in 1990 there were 211 religious organizations operating in Uzbekistan, today 2,202 such organizations are registered.

The Committee for Religious Affairs, of which the Council for Confessional Affairs is a part, was established in order to further close cooperation with religious organizations in Uzbekistan.

The Republic's religious education system includes the Tashkent Islamic Institute, ten madrassas and Orthodox and Protestant seminaries. The Tashkent Islamic University has been operational since September 1999.

(g) Since the early days of independence, in Uzbekistan great significance has been attached to the formation of civil society, of which NGOs are a most important component.

In Uzbekistan, the activity of NGOs is supported and guaranteed by the State. In the Republic, a robust corpus of law has been established for their activity. Over 10 acts have been adopted in Uzbekistan dealing with various organizational and legal forms of NGOs including the Act "On civic associations", the Civil Code, and the Act "On non-governmental, not-for-profit organizations".

The Constitution of the Republic of Uzbekistan enshrines State-ensured guarantees for NGOs, which serve as a unique bridge between the State and society in the Republic.

At the present time, there are over 5,000 NGOs functioning in the country, including international NGOs. They include such organizations as the Committee for the Protection of Individual Rights of Uzbekistan, the Uzbek branch of the international organization Human Rights Watch, the Center for Human Rights and Humanitarian Law, the Independent Organization for Human Rights of Uzbekistan, the Human rights Society of Uzbekistan Ezgulik and the Democracy and Human Rights Institute.

Uzbekistan believes that civil society institutions should serve to strengthen ideas which are historically central to the people of Uzbekistan, such as inter-ethnic, interreligious and intercultural tolerance and harmony.

However, in Uzbekistan, as in most countries, the principle of the supremacy of law is operative, and it applies to non-governmental organizations as well, if they commit egregious or deliberate violations of the objectives laid out in their constituent instruments or of the regulations governing their activity in Uzbekistan.

In cases where the constituent instruments and other documents of an NGO run counter to legal requirements, in particular the Acts, "On non-governmental not-for-profit organizations", "On civic associations", "On political parties" and "On foundations", as well as the Regulations "On consideration of applications to register the charters of civic associations operating in the territory of the Republic of Uzbekistan", organizations may be refused the opportunity to register. Such a decision may be appealed in court at various levels of the judiciary.

3. *The Republic of Uzbekistan,*

Being an independent and sovereign State and in possession of all the necessary resources to conduct a full-scale investigation of the circumstances surrounding the tragic events in Andijan, has every right to take a decision independently on the investigation of matters affecting national security and exclusively within its domestic competence.

Armed attack, premeditated murder and hostage-taking are the most cruel criminal acts in all States of the world and are strictly punished by law. The investigation of such crimes is carried out within the context of criminal law by the competent national authorities.

In accordance with the norms of international law, an international inquiry is carried out when the State itself requests that such an inquiry be carried out, due to the inability of the local authorities to do so or to the collapse of the State, and also if the situation which has arisen directly affects the maintenance of international peace and security.

4. *The Republic of Uzbekistan, in response to the appeal from the General Assembly, emphasizes that:*

(a) The contents and findings in the report of the mission of the Office of the United Nations High Commissioner for Human Rights, to Kyrgyzstan from 13 to 21 June 2005 do not correspond to the real situation and are based on statements by individuals who took part in actions of a terrorist nature and who left their place of imprisonment without authorization, where they had been held for committing criminal acts.

The report of the Office of the United Nations High Commissioner for Human Rights was compiled in violation of the principles of the mandate of the High Commissioner as set forth in General Assembly resolution 48/141 and Security Council resolutions 1269 (1999) and 1373 (2001), which state that refugee status must not be granted to terrorists.

(b) The possibility of creating national migration legislation pursuant to international norms and standards which would be connected with the Convention relating to the Status of Refugees of 1951 and its Protocol is currently being studied in Uzbekistan.

(c) Suggestions that eyewitnesses to the events in Andijan were harassed and detained during the investigation are unfounded.

Not one single statement regarding harassment or detention has been received either from eyewitnesses or their family members.

(d) A public trial of the 15 people most active in organizing and carrying out the terrorist acts in Andijan was held from 20 September to 14 November 2005.

Those involved in the trial included not only numerous victims, civil plaintiffs and witnesses, but also over 100 representatives of foreign and local media, diplomatic missions and international organizations, including the United Nations, the Office of the United Nations High Commissioner for Human Rights, the Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, the Shanghai Cooperation Organization and such international human rights organizations as Human Rights Watch and the American Association of Jurists.

During the trial, international observers had the opportunity to familiarize themselves with all the investigation materials, testimony from witnesses, victims and civil plaintiffs and all the available evidence (including audio and visual materials, findings contained in numerous expert assessments, reports of the inspection of the site where the events occurred, confiscated weapons both those seized during the attack on military facilities and those brought in by terrorists from outside). They had the opportunity to observe virtually the entire examination of the above-mentioned evidence carried out by the court.

Some trials of participants in the terrorist acts were closed to the public by decision of the court and pursuant to article 19 of the Criminal Procedure Code of Uzbekistan, which stipulates that the safety of victims, witnesses and other individuals involved in a case must be ensured.

All these legal proceedings respected procedural regulations and were in strict compliance with international standards and norms of domestic law. During the proceedings a directly adversarial system was guarenteed by ensuring that the lawyers for the defence and the prosecution had equal conditions and opportunities for impartial court proceedings.

(e) The human rights situation in Uzbekistan has always been in keeping with generally recognized regulations and standards.

The executive and legislative branches of Government take the necessary measures to ensure that all human rights and fundamental freedoms are respected. An effective human rights protection mechanism has been established:

More than 300 laws governing human rights and fundamental freedoms are in effect;

- National human rights institutions are functioning;
- A system of human rights education is operating without interruption.

Our country takes issue with the way that the human rights situation in Uzbekistan was considered at both the sixtieth and sixty-first sessions of the United Nations Commission on Human Rights under the confidential 1503 procedure. The fact that the issue was raised had nothing to do with human rights in Uzbekistan and was specious. Such actions only engender confrontation and politicize human rights issues.

The Uzbek side, which has been cooperating fully with the independent expert appointed by the Commission on Human Rights under the 1503 procedure in December 2005, has provided the expert with exhaustive responses and information on the implementation of the recommendations made by the previous expert.

(f) The Government of Uzbekistan guarantees total freedom of religion and places no restrictions on religious organizations as to size or location. All religious organizations, from the largest (the Muslim Directorate of Uzbekistan and the Tashkent and Central Asian Diocese) to the smallest, have identical rights and obligations.

In its relations with religious organizations, the State adheres to the following principles and practices:

- A respectful attitude towards the religious feelings of believers;
- Acknowledgement of religious convictions as the private affair of citizens or of their organizations;
- Guarantee of equal rights and inadmissibility of persecuting citizens, both those who profess religious views and those who do not;
- Need to strive for dialogue with various religious organizations in order to make use of their capabilities to promote spiritual rebirth and the affirmation of universal human moral values;

– Acknowledgement of the inadmissibility of using religion for destructive purposes.

(g) Uzbekistan has fully implemented the recommendations contained in the report of the Special Rapporteur on torture and provided the relevant information to the Commission on Human Rights on the implementation of the recommendations of the Special Rapporteur, which was issued as a United Nations document under the symbol CCPR/C/UZB/2004/2/Add.1 as well as A/59/675 (18 January 2005).

Uzbekistan was the first member of the Commonwealth of Independent States to have invited the Special Rapporteur to make a country visit. His visit and the subsequent adoption of a plan of action to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the recommendations of the Special Rapporteur, confirmed the firm political will of the Government of the Republic of Uzbekistan to prevent and eliminate the phenomenon. The plan of action has been implemented fully.

Compliance with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is monitored by the Department for the Oversight of Investigations by the Office of the Procurator General of the Republic of Uzbekistan.

In accordance with the Convention, on 17 February 2005 the Procurator General issued Order No. 40 on the radical improvement of procuratorial oversight of respect for the rights and freedoms of citizens during criminal proceedings, which specifies that the protection of the rights and freedoms guaranteed under the Uzbek Constitution, procedural law and the principles of international law must be a priority for prosecution authorities. Procurators must strictly abide by the provisions of the Convention and all existing Uzbek legislation on that issue.

Responsibility for investigating complaints of use of torture within the internal affairs system, in accordance with working procedures, lies with the special domestic security divisions (or special staff inspectorates) which are directly under the authority of the Minister of Internal Affairs.

The involvement of public figures, civic institutions and, in some cases, foreign experts is common practice in the investigations of claims of use of torture.

There is an agreement between the Ministry of Internal Affairs and the Parliamentary Commissioner for Human Rights (or Ombudsman) of the Republic of Uzbekistan on conducting joint efforts to ensure observance of human rights in the work of the internal affairs agencies.

Trials involving cases of torture and other illegal activities by internal affairs officials are heard in open court proceedings. The court findings concerning these cases are discussed in all the territorial internal affairs agencies.

For the purpose of ensuring full and effective legal protection of the rights and freedoms of detainees and suspects, the Main Investigation Department of the Ministry of Internal Affairs and the Uzbek Bar Association have developed and implemented a Regulation on the procedures for the protection of the right of defence of detainees, suspects and defendants at the pre-investigation and preliminary investigation stage. As a result of introducing this Regulation, the conduct and discipline of internal affairs officials is monitored in order to prevent illegal actions on their part towards detainees, suspects and defendants.

The Special Rapporteur's recommendations on the issue of torture are reflected in the new version of the Act "On the Parliamentary Commissioner for Human Rights of the Republic of Uzbekistan (or Ombudsman)".

An instruction has been drafted regulating the process for detaining suspects and providing for strict due process while they are in the custody of law enforcement agencies. The instruction devotes particular attention to the issue of respect for human rights at this stage of criminal proceedings.

(h) Uzbekistan is working closely with the Office of the United Nations High Commissioner for Human Rights. In connection with visits to Central Asia in 2002 and 2004, experts from the Office travelled to Uzbekistan, where they met with representatives of various government institutions.

Uzbekistan is involved in the Office's regional project to provide technical assistance in the area of human rights for Central Asian countries, which began to be implemented in 2004. Moreover, Uzbekistan has promptly responded to all communications or queries received from the Office concerning various human rights issues.

Uzbekistan is also cooperating with the special procedures and mechanisms of the Commission on Human Rights and punctually sends replies to its communications on various issues concerning Uzbek nationals and the human rights situation in the country.

As a party to the six major international human rights conventions, Uzbekistan is systematically cooperating with the monitoring bodies established under them (Human Rights Committee, Committee on Economic, Social and Cultural Rights, Committee against Torture, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child).

Over the past two years, Uzbekistan has submitted six periodic reports to the United Nations treaty bodies. Following the consideration of the periodic reports of Uzbekistan by the relevant treaty bodies, Tashkent embarked on a national plan of action to implement their recommendations with the assistance of the United Nations Development Programme.

(i) The International Committee of the Red Cross (ICRC) is working with the Ministry of Internal Affairs, the Ministry of Justice, the National Security Service and the Office of the Procurator General of the Republic of Uzbekistan on the basis of the agreement signed on 17 January 2001 between ICRC and the Government of Uzbekistan on humanitarian activities with respect to detainees and prisoners. Under this agreement, ICRC may visit places of detention for the purpose of assessing the living conditions of prisoners and interviewing them and provide assistance in tracing family members through Red Cross messages. Under the agreement, all law enforcement agencies must provide ICRC officials with prompt and unimpeded access to places of detention.

Over the past four years, ICRC officials have freely visited every one of the penitentiary institutions which they wished to visit. For example, in 2004 alone, ICRC officials visited more than 30 prisons.

Uzbekistan is always open to cooperation with ICRC on all matters concerning the monitoring of the rights of detainees and prisoners.

(j) As a full member of the Organization for Security and Cooperation in Europe (OSCE), the Republic of Uzbekistan fulfils its obligations undertaken within the framework of the Organization and actively cooperates with its institutions.

Over the past two years, Uzbekistan has taken part in the majority of OSCE-sponsored events: the expert workshop on container security; the annual security review conference; the high-level conference on combating trafficking in children; the expert workshop on cooperation in investigations of terrorist-related crimes; the supplementary human dimension meetings on election technologies and procedures; the expert workshop on suicide terrorism; the supplementary human dimension meeting on human rights and the fight against terrorism; the high-level consultations to discuss the final report and recommendations of the Panel of Eminent Persons on strengthening the effectiveness of OSCE; the expert workshop on combating the use of the Internet for terrorist purposes; the OSCE Council of Ministers of Foreign Affairs; the OSCE Economic Forum, entitled "Transportation in the OSCE Area: Secure Transportation Networks and Transport Development to Enhance Regional Economic Cooperation and Stability"; and others.

(k) In accordance with article 34 of the Constitution of the Republic of Uzbekistan, Uzbek citizens have the right to form political parties. No one may infringe on the rights, freedoms and dignity of persons constituting an opposition minority in political parties, public associations and mass movements.

In accordance with article 20 of the Act "On elections to the Oliy Majlis of the Republic of Uzbekistan", any political party has the right to put forward candidates for parliament on condition that it is registered with the Ministry of Justice of the Republic of Uzbekistan no later than six months prior to the date of the announcement of the start of the election campaign, and that it has collected no fewer than 50,000 signatures of voters in support of its participation in the elections.

Political parties enjoying strong popular support and functioning as stable political institutions have no difficulty meeting the requirements under national law.

In Uzbekistan, the registration of any political party depends on the validity of the constituent instruments and compliance with national law, which is the same for all parties, including opposition parties.

In accordance with article 9 of the Act "On political parties", a political party, a previously registered political party or a social movement with a similar name is not allowed to register if its members, purposes, objectives and methods of work contradict the Constitution and other legislative acts of the Republic of Uzbekistan.

In the event that a political party is denied registration, the Ministry of Justice of the Republic of Uzbekistan so informs the head of the governing body of the party in writing with a reference to the provision of the law which the filed instruments contradict.

Senior officials of the governing body of the party have the right within one month of the date of receipt of the denial of registration to apply again to the Ministry of Justice to register the party provided that the instruments are brought fully into line with the Constitution and the law of the Republic of Uzbekistan.

Denial of registration of a political party may be appealed in the Supreme Court of the Republic of Uzbekistan under established procedures.

(l) The Government ensures compliance with the rights and legitimate interests of civic organizations, including NGOs, and provides them with equal legal opportunities for participation in civil life. Interference by state bodies and officials in the activities of public associations is prohibited.

Uzbekistan is pursing a policy of social partnership to promote the gradual development of civic institutions. As a result, NGOs are rapidly developing, participating in the decision-making process and playing an increasing role in the democratization of society.

Uzbekistan has adopted more than 10 acts regulating the activities of public associations, including the Civil Code, the Acts "On civil associations", "On non-governmental organizations", "On freedom of conscience and religious organizations", "On foundations", "On homeowners associations", "On local government agencies" and "On elections of the presiding officer of local government agencies". Amendments are being drafted to the Act "On charitable activities and on public associations".

The Non-governmental Organization Association of Uzbekistan, which represents the interests of NGOs in relations with the State, has been operating since June 2005.

The Non-governmental Organization Support Fund was established in 2005 for the formation of independent, sustainable civic institutions enjoying broad popular support, the strengthening of their role in addressing social problems and the enhancement of the political, social and business activities of citizens.

The major objectives of the Fund are as follows:

- Raising of the necessary material and financial resources, including grants from local, foreign and international organizations and financial institutions devoted to fostering the development of civic institutions and, above all, independent non-governmental organizations enjoying popular support and independently addressing issues facing them in order to satisfy and protect the various interests of Uzbek citizens;

- Financing of NGO projects and programmes to enhance the social and political activities of citizens in resolving important humanitarian, economic and other social problems and objectives and to promote the development of civic institutions;

- Provision of financial assistance to implement projects and programmes related to strengthening logistical support for NGOs, providing them with legal, advisory, organizational, technical and other assistance and holding events (conferences, workshops, training sessions and others) on the development of NGO activities and civic institutions.

The work of NGOs and trade unions, national cultural centres, foundations and other civic organizations shows that the developing NGO structure in Uzbekistan reflects a balance of interests in society.

However, the gross and sometimes intentional violation by NGOs of their statutory purposes and the rules governing their activity in the territory of Uzbekistan, regardless of whether they are local or foreign, cannot be ignored by the

authorities. The violation of national law on the part of a number of NGOs is subject to penalties under existing Uzbek law.

(m) In accordance with article 67 of the Constitution of the Republic of Uzbekistan, the media are free and must act in accordance with the law; they are responsible for ensuring accuracy of information according to established procedures; and censorship is prohibited.

Article 29 of the Constitution and article 3 of the Act "On the media" guarantee to every citizen freedom of speech and the right to address the media and to express opinions and convictions openly. Everyone has the right to seek, receive and disseminate any kind of information.

The Act of the Republic of Uzbekistan "On the protection of the professional activities of journalists" specifies that "while carrying out professional obligations a journalist is guaranteed inviolability of person". The Act prohibits the prosecution of journalists for publishing critical material. The Act also sets forth the protections of the professional activities of journalists: the State guarantees the freedom of journalists to receive and disseminate information and provides protection during the conduct of their professional activities; and the rights, honour and dignity of journalists are protected by law. It is forbidden to interfere in the professional activities of journalists and to require them to provide any information obtained in the course of their professional duties.

The information policies of the State are aimed at ensuring the consistent and full implementation of the principles of freedom of speech and the right of citizens to information enshrined in the Constitution of Uzbekistan. Censorship is prohibited in the country; the activities of the media may be suspended only by a court of law; and the rules for media registration have been simplified.

There are some 500 independent media outlets in Uzbekistan at present. They include newspapers, magazines, radio and television stations, news agencies and electronic media on the Internet. In 2005, according to the Press and Information Agency, 307 newspapers, more than 100 magazines, 28 television studios, 12 radio stations and 36 cable television stations enjoyed independent status.

Periodicals published by various parties, public organizations, foundations, private and commercial enterprises, associations and religious groups also have wide circulation in the cities and regions of Uzbekistan. They all differ in focus and content and are tailored to the interests of persons from various strata of society.

The Professional Journalists Club was established in Tashkent in May 2006. The co-founders and main sponsors of the Club are the National Electronic Media Association and the Foundation for the Support and Development of Independent Printed Media and News Agencies of Uzbekistan. One of the objectives of the new public association is to foster civic mindedness and independent thinking among journalists, which will promote the development of free and democratic media.

(n) Uzbekistan has adopted legislative, administrative and other measures necessary for providing effective guarantees of the rights and freedoms of individuals, which are in accordance with the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms.

As it attaches great importance to respect for the rights and fundamental freedoms of its citizens, Uzbekistan began to establish national human rights institutions in the mid-1990s.

In accordance with the recommendations of the second World Conference on Human Rights (Vienna, 1993), a system of national human rights institutions has been established in the country, including the Constitutional Court, the Parliamentary Commissioner for Human Rights (or Ombudsman), the National Human Rights Centre, the Institute for Monitoring Current Legislation, the Centre for the Study of Public Opinion and others, all of which are doing productive work.

Special human rights divisions have been established within the law enforcement agencies, including the Ministry of Justice, the Ministry of Internal Affairs and the Office of the Procurator General.

The development of civic institutions is an integral part of the national human rights system, including human rights organizations, whose establishment is directly linked to the population's increased political activity.

Several laws have been adopted to strengthen and protect the activities of public associations, including those engaged in human rights activities. They include the Acts "On civic associations", "On non-governmental organizations", "On foundations", and others.

Since 1997 a special human rights course has been taught in all institutions of secondary and higher education in Uzbekistan. The University of World Economy and Diplomacy has established a UNESCO Chair in human rights, peace, democracy, tolerance and international understanding and the Academy of the Ministry of Internal Affairs has established a chair in human rights theory and practice.

(o) There are no restrictions of any kind in Uzbekistan on visits to the country by diplomats and representatives of the United Nations, OSCE and other international bodies.

Between 16 December 2005 and 1 June 2006 more than 700 diplomats and officials from various international organizations have visited Uzbekistan, inter alia, as follows:

- United Nations: 280 persons;
- World Bank: 147 persons;
- United Nations Office on Drugs and Crime: 80 persons;
- United Nations Children's Fund: 83 persons;
- UNESCO: 65 persons;
- OSCE: 20 persons;
- United Nations Population Fund: 34 persons.

The Republic of Uzbekistan, upholding established democratic values and respect for human rights and freedoms, has remained committed, since its first days of independence, to fulfilling the obligations which it has undertaken within the framework of international organizations.